

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BAILEY BONSTALL,)	
)	
Plaintiff,)	Case No.: 6:18-cv-454
)	
v.)	
)	
NEXT LEVEL ENERGY SERVICES LLC,)	
)	
Defendant.)	
)	

COMPLAINT

Plaintiff Bailey Bonsall brings this case against Defendant Next Level Energy Services LLC seeking unpaid overtime wages and other available relief under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, *et seq.*

JURISDICTION AND VENUE

1. This Court has federal question jurisdiction pursuant to 28 U.S.C. § 1331 because Plaintiff has asserted a federal claim pursuant to the FLSA.

2. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to this claim occurred in this judicial district.

PARTIES

Plaintiff

3. Plaintiff Bailey Bonsall is an adult resident of Deberry, Texas. Mr. Bonsall worked for Defendant as a driller. Plaintiff was not paid overtime compensation at one and one-half times his regular rate for hours he worked in excess of 40 in a workweek.

4. At all relevant times, as employee of Defendant, Plaintiff was engaged in commerce or in the production of goods for commerce as described in 29 U.S.C. §§ 206 and 207.

Defendant

5. Defendant is a Texas limited liability drilling company located in Carthage, Texas.

6. At all relevant times, Defendant was an “enterprise engaged in commerce or the production of goods for commerce” within the meaning of the FLSA, 29 U.S.C. § 203(s).

7. At all relevant times, Defendant has employed two or more persons, including Plaintiff, “engaged in commerce or in the production of goods for commerce,” as defined in § 203(s)(1)(A)(i).

8. At all relevant times, Defendant achieved annual gross sales made or business done of not less than \$500,000.00 in accordance with § 203(s)(1)(A)(ii).

9. Defendant issued paychecks to Plaintiff during his employment.

10. Defendant directed the work of Plaintiff and benefited from work performed that Defendant suffered or permitted from him.

11. Defendant did not pay Plaintiff overtime premium compensation at one and one-half times his regular rate for hours he worked for Defendant’s benefit in excess of 40 hours in a workweek.

FACTUAL ALLEGATIONS

12. From approximately January 2018 to present, Plaintiff worked for Defendant as a driller.

13. At all relevant times, Defendant advised Plaintiff that he was paid on a day rate basis.

14. During the relevant time period, Plaintiff regularly worked more than 40, and typically in excess of 50-60, hours per week. He did not receive overtime compensation at one and one-half times his regular rate for hours worked over 40 in a workweek.

15. Rather than pay his day rate, Defendant paid Plaintiff on an hourly basis instead of his day rate and failed to properly calculate overtime owed to Plaintiff based on Plaintiff's day rate.

16. Through its unlawful actions, Defendant has deprived Plaintiff of wages, including overtime wages, owed to him.

COUNT I - FAIR LABOR STANDARDS ACT

17. Plaintiff re-alleges and incorporates by reference the preceding paragraphs as if alleged fully herein.

20. As set forth above, Defendant's failure to pay Plaintiff overtime compensation at a rate of one and one-half times his regular rate of pay owed to him during the three-year period preceding the filing of this Complaint violates the Fair Labor Standards Act, 29 U.S.C. § 207.

JURY DEMAND

22. Plaintiff demands a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that the Court grant the following relief:

- A. An award of all damages for unpaid wages and compensation due to Plaintiff under the FLSA;
- B. An award of liquidated damages pursuant to 29 U.S.C. § 216(b);
- C. Attorneys' fees and costs;
- D. Pre- and post-interest; and

E. Any other relief to which Plaintiff may be entitled.

Dated: August 28, 2018

Respectfully submitted,

/s/ Jenny DeFrancisco
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